

Section 1650.410 Return of Contributions for Duplicate or Excess Service

- a) In the event contributions to the System are made in error for service covered by another public employee pension system in Illinois, such contributions shall be returned to the member.
- b) If a member contributes to the System for optional teaching service, but is unable to claim all of this service at the date of retirement or death because the service is determined to be excess service, then the contributions for such excess service or a portion thereof may upon request be returned to the member or the member's beneficiaries.
 - 1) The term "excess service" shall mean:
 - A) that period of service in excess of the number of years of service necessary for members retiring under 40 ILCS 5/16-133.2(b) to receive the 75% maximum benefit under Section 16-133(e) of the Illinois Pension Code [40 ILCS 5/16-133(e)] if the member elected pursuant to Section 16-129.1 [40 ILCS 5/16-129.1] to upgrade the retirement benefit based upon pre-July 1998 service; or
 - B) that period of service exceeding the amount of service allowed to be purchased under Section 16-127(b)(2) [40 ILCS 5/16-127(b)(2)] or
 - C) that period of service in excess of 35 years of creditable service if the member elected pursuant 40 ILCS 5/16-129.1 to upgrade the retirement benefit based upon pre-July 1998 service for members retiring under 40 ILCS 5/16-133.2(c).
 - 2) To determine the amount of contributions to be returned to a member pursuant to subsection (b)(1)(A) of this Section, the System shall apply the following formula:
 - A) divide the total cost of all optional teaching service purchased by the member by the total amount of optional teaching service purchased.
 - B) multiply the resulting average cost of optional teaching service by the amount of excess service the member requests to be returned.
 - C) the resulting figure shall be the amount returned to the member at retirement.
 - 3) The return of contributions under subsection (b)(1)(B) of this Section shall be limited to the amount attributable to the purchase of optional service under Section 16-127 [40 ILCS 5/16-127].
 - 4) If a member elects to receive a return of contributions under subsection (b) of this Section, he or she may not utilize the optional service removed from the member's service record due to the return of contribution as a basis for receiving the 25% return of contributions for each year of service over 34 years provided in 40

ILCS 5/16-129.1.

- 5) No interest shall be payable upon the amount returned.

(Source: Amended at ____ Ill. Reg. _____, effective _____, 2005.)